

**ORDINANCE G-2015-27 INTRODUCED BY: STEPHANIE BRINKERHOFF RILEY  
COMMITTEE: FINANCE**

**AN ORDINANCE AMENDING SECTION 2.80  
OF THE EVANSVILLE MUNICIPAL CODE**

**WHEREAS**, the Common Council of the City of Evansville, Indiana, finds it desirable to amend section 2.80 of the Evansville Municipal Code to ensure greater efficiency and transparency.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Common Council of the City of Evansville, Indiana, that section 2.80 of the Evansville Municipal Code is hereby amended by inserting the bold words underlined and deleting the bold words stricken through as follows:

**2.80.010 Definitions.**

"City" shall mean the City of Evansville.

"City Council" shall mean the City Council of the City of Evansville.

"County" shall mean Vanderburgh County.

"County Commissioners" shall mean the Board of Commissioners of Vanderburgh County.

"County Council" shall mean the County Council of Vanderburgh County.

"Parks Board" shall mean the Board of Park Commissioners of the City of Evansville. [Ord. G-2007-3, passed 2-26-07. 1983 Code Ch. 16.06.]

**2.80.020 Purpose.**

The purpose of this interlocal agreement is to establish an advisory board for the Pigeon Creek Greenway to advise and to report to the City of Evansville and Vanderburgh County. [Ord. G-2007-3, passed 2-26-07. 1983 Code Ch. 16.06, Art. 2.]

**2.80.030 Termination.**

Effective upon the adoption of this agreement, the entity formerly known as Pigeon Creek Greenway Passage Advisory Board is abolished and terminated. [Ord. G-2007-3, passed 2-26-07. 1983 Code Ch. 16.06, Art. 3.]

**2.80.040 Duration.**

The terms of this agreement shall continue from year to year unless one party gives the other party six months' written notice of its intent to cancel the agreement. Said notice shall be in writing and directed to the Mayor, if notice is to be given to the City of Evansville, and directed to the Vanderburgh County Board of Commissions if notice is to be given to Vanderburgh County. [Ord. G-2007-3, passed 2-26-07. 1983 Code Ch. 16.06, Art. 4.]

**2.80.050 Membership.**

**FILED**

**SEP 09 2015**

*Anna Widner*  
CITY CLERK

The board shall consist of not more than 13 members appointed as follows:

(A) The Mayor shall appoint six members.

(B) The City Council shall appoint one member.

(C) The Board of Commissioners of Vanderburgh County shall appoint five members.

(D) The County Council shall appoint one member. [Ord. G-2007-3, passed 2-26-07. 1983 Code § 16.06.01.]

#### **2.80.060 Qualifications.**

Members of the board must have an interest in the establishment of the Greenway. The members may hold elected or appointed positions in the City or County government and need not be residents of Vanderburgh County. [Ord. G-2007-3, passed 2-26-07. 1983 Code § 16.06.02.]

#### **2.80.070 Terms of office.**

Members shall serve a term of ~~one year~~ **three years** or until their successor is appointed. Members may be removed at any time by the appointing authority, with or without cause. [Ord. G-2007-3, passed 2-26-07. 1983 Code § 16.06.03.]

#### **2.80.080 Duties and responsibilities.**

The board shall make recommendations to the Mayor, County Commissioners, City Council, County Council, and Parks Board regarding Greenway matters hereinafter referred to individually as "appointing authority."

The board may not own real estate and may own such personal property as is donated or purchased by the board with funds appropriated and authorized by each governmental body. If any personal property is given to the board for its use by either party to this agreement or purchased with funds appropriated by one party, the property shall remain the property of the contributing party for the use of the board and shall be returned to the party at the termination of this agreement or when it is no longer needed by the board. If any personal property is donated to the board by any other person or organization, such property shall be equitably divided between the parties or one party may, by mutual agreement, purchase the property from the other party upon terms agreed upon by the parties. Personal property that is purchased from funds appropriated jointly by the parties shall be returned to the parties in the same proportion as the funds were appropriated. Upon termination, the parties may agree to transfer any personal property to another entity by mutual agreement.

The board shall have no authority to negotiate or enter into contracts; employ personnel; enter into leases, or deliver any instrument.

The board shall have no authority to represent City or County Government before any board, commission or other governmental entity or public body without the express prior approval of the Mayor of the City of Evansville and the Vanderburgh County Board of Commissioners.

The board may designate committees to undertake activities requested by an appointing authority. ~~All fundraising activities and contributions must be approved and accepted by the Parks Board if the funds are to be used on the Greenway under the control of the Parks Board. Any fundraising activities for Greenway activities not under the control of the Parks Board shall be approved by the County Commissioners. Funds received by the board shall be turned over to the Parks Department in the case of the City and turned over to the County Commissioners in~~

danger to the animal. Tethering devices shall not be longer than three-fourths of the width of the bed of the truck.

(C) Lost or Stray Animals.

(1) Persons finding a stray animal shall notify Animal Care and Control within 48 hours of finding the animal. Animal Care and Control shall inspect or scan the animal to determine ownership. Animal Care and Control shall return the animal to its rightful owner.

(2) Any found animal shall be held for a minimum seven days before a disposition is made, unless the animal needs to be euthanized for humanitarian purposes upon the decision of a veterinarian (if available) or the Superintendent or the Superintendent's designee due to the animal's mental or physical condition to prevent suffering.

(3) Persons finding an animal are obligated to comply with all rules and regulations of this chapter pertaining to humane care and treatment of animals while said animal is in their custody awaiting return of the animal to its actual owner. After seven days, the finder may keep the animal if he obtains the necessary permits or licenses required by this chapter or upon a determination by a court of law if ownership is contested. Persons who retain the animal accept the responsibilities as a custodian of the animal.

(D) Injury Caused by Motor Vehicle to Animals. Any person operating a motor vehicle who knowingly causes injury or death to a domestic animal shall immediately notify the owner, Animal Care and Control or local authorities of the location of the animal (dial 911). [1983 Code § 9.90.04.]

EFFECTIVE DATE.

This ordinance shall be in full force and effect following its passage by the Common Council and signing by the Mayor.

Passed by the Common Council of Evansville, Indiana, on this \_\_\_\_ day of \_\_\_\_\_, 2015, and on said day signed by the President of the Common Council and attested by the City Clerk.

\_\_\_\_\_  
Dr. H. Dan Adams, President of the Common Council,  
City of Evansville, Indiana

ATTEST: \_\_\_\_\_  
Laura Windhorst, City Clerk  
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_ o'clock \_\_\_\_\_.m. for his consideration and action thereon.

\_\_\_\_\_  
Laura Windhorst, City Clerk  
City of Evansville, Indiana

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

\_\_\_\_\_  
Lloyd Winnecke, Mayor  
City of Evansville, Indiana